

SENATE BILL 318

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SB 323/03 - JPR

2004 Regular Session
4r1900

By: **Senators Haines, Brochin, Giannetti, Jacobs, and Jimeno**

Introduced and read first time: February 2, 2004

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Use of a Firearm in the Commission of a Crime of Violence or**
3 **a Felony**

4 FOR the purpose of prohibiting the use of certain firearms in the commission of
5 certain crimes of violence or felonies; defining a certain term; and generally
6 relating to the use of certain firearms in the commission of certain crimes of
7 violence or felonies.

8 BY repealing and reenacting, with amendments,
9 Article - Criminal Law
10 Section 4-204
11 Annotated Code of Maryland
12 (2002 Volume and 2003 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Criminal Law**

16 4-204.

17 (a) (1) IN THIS SECTION, "FIREARM" MEANS:

18 (I) A WEAPON THAT EXPELS, IS DESIGNED TO EXPEL, OR MAY
19 READILY BE CONVERTED TO EXPEL A PROJECTILE BY THE ACTION OF AN EXPLOSIVE;
20 OR

21 (II) THE FRAME OR RECEIVER OF SUCH A WEAPON.

22 (2) "FIREARM" INCLUDES AN ANTIQUE FIREARM, HANDGUN, RIFLE,
23 SHOTGUN, SHORT-BARRELED RIFLE, SHORT-BARRELED SHOTGUN, STARTER GUN,
24 OR ANY OTHER FIREARM, WHETHER LOADED OR UNLOADED.

25 (B) A person may not use [an antique firearm capable of being concealed on
26 the person or any handgun] A FIREARM in the commission of a crime of violence, as

1 defined in § 5-101 of the Public Safety Article, or any felony, whether the [antique
2 firearm or handgun] FIREARM is operable or inoperable at the time of the crime.

3 [(b)] (C) (1) (i) A person who violates this section is guilty of a
4 misdemeanor and, in addition to any other penalty imposed for the crime of violence
5 or felony, shall be sentenced to imprisonment for not less than 5 years and not
6 exceeding 20 years.

7 (ii) The court may not impose less than the minimum sentence of 5
8 years and, except as otherwise provided in § 4-305 of the Correctional Services
9 Article, the person is not eligible for parole in less than 5 years.

10 (2) For each subsequent violation, the sentence shall be consecutive to
11 and not concurrent with any other sentence imposed for the crime of violence or
12 felony.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
14 effect October 1, 2004.